

APR 19 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

RAMIRO BECERRA MENDOZA,

Defendant - Appellant.

No. 02-50185

D.C. No. CR-00-00844-DDP-1

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Dean D. Pregerson, District Judge, Presiding

Submitted April 5, 2006^{**}

Before: HAWKINS, McKEOWN and PAEZ, Circuit Judges.

Ramiro Becerra Mendoza appeals from the 57-month sentence imposed upon his guilty-plea conviction for being an illegal alien found in the United

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

States in violation of 8 U.S.C. § 1326. We have jurisdiction pursuant to 28 U.S.C. § 1291.

As the government concedes, we remand to the sentencing court for further proceedings under *United States v. Ameline*, 409 F.3d 1073, 1084-85 (9th Cir. 2005) (en banc).¹

REMANDED.

¹ We have considered and rejected Appellant's request in his reply brief, filed April 13, 2006, that we vacate and remand his sentence under *United States v. Booker*, 543 U.S. 220 (2005).